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LLP**

4 Embarcadero Center  
Suite 3400  
San Francisco, CA  
94111-4187

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09/438,600

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COMMENTS:

Attached is a copy of the Petition for  
Withdrawal from Issue, mailed 11/1/01, a copy of the  
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Attorney Docket No.: A-70197/RMS/RMK/JML

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re application of:

Chan-Long SHIEH, et al.

Examiner: M. PHAM

Serial No.: 09/438,600

Group Art Unit: 1641

Filing Date: 12 November 1999

For: *Biochannel Assay for  
Hybridization with  
Biomaterial*

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## CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 1 November 2001

Signed: 

Todd V. LEONE

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TC 1700PETITION FOR WITHDRAWAL FROM ISSUE UNDER 37 C.F.R. 1.313(a)Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants hereby petition the Commissioner for withdrawal of the above-identified application from issuance pursuant to 37 CFR 1.313(a). The issue fee, which is due 20 December 2001, has not been paid.

**Serial No.:** 09/438,6000  
**Filing Date:** 12 November 1999

Applicants enclose a copy of the Information Disclosure Statement and Statement of Relatedness and Patent and Trademark Office Form PTO-1449 identifying the prior art. Copies of such art were sent to the U.S. Patent and Trademark Office on September 28, 2001.

The following Remarks set forth the reasons why withdrawal of the application from issuance is deemed necessary. Our Check No. 38300 in the amount of \$130.00 is enclosed herewith to pay the requisite petition fee under 37 C.F.R. 1.17(h). The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 06-1300 (Order No. A-70197/RMS/RMK/JML).

#### REMARKS

On 28 September 2001, an Information Disclosure Statement was sent to the Office for consideration. This was eight days after the Notice of Allowance and Issue fee due was sent out by the Office. Thus, Applicants intended this art to be considered prior to issuance. Accordingly, we are withdrawing the case from issue to allow that art to be considered.

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

Date: 1 November 2001

By: *Robin M. Silva*  
Robin M. SILVA  
Reg. No. 38,304  
Attorneys for Applicants

Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (415) 781-1989  
Fax: (415) 398-3249

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4 EMBARCADERO CENTER, SUITE 3400  
SAN FRANCISCO, CA 94111  
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**FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP**

File No. A-70197/RMS/RMK/JML

Applicant(s): Chan-Long SHIEH, et al.  
Serial No.: 09/438,600  
For: *Biochannel Assay for Hybridization with Biomaterial*

Please acknowledge receipt of the enclosed:

① Petition for Withdrawal from Issue Under 37 C.F.R. 1.313(a)

② Check No. 38300 in the amount of \$130.00

by imprinting the Patent Office "date stamp" hereon and returning to the addressee indicated on the reverse.

Due date: N/ADate of mailing: 1 November 2001

SF-1066721v1